

This was only one policy solution that was used to reduce our nation's dependence on foreign oil so that energy could go to vital services like fuel for electricity generation, gasoline, heating fuels, and diesel oil.

H.R. 511, the bill before us would extend energy conservation to digital technology that can operate in standby mode.

Most digital device technology manufactures already provide sleep mode on their devices to assist their users in conserving power on cellphones, smartphones, MP3 players, e-book readers, as well as desktop and laptop computers.

Today, 68 percent of U.S. adults own a smartphone, up from 35 percent in 2011, and tablet computer ownership has edged up to 45 percent among adults, according to newly released survey data from the Pew Research Center.

Considering not just smartphones, but all types of mobile phones, Pew notes that cellphones continue to top of the list.

Roughly nine-in-ten American adults or 92 percent own a mobile phone of some kind.

Although these mobile devices are ubiquitous today, the share of adults who own one has risen substantially since 2004.

Smartphone ownership is nearing the saturation point with some groups: 1. 86 percent of those ages 18–29; 2. 83 percent of those ages 30–49; and 3. 87 percent of those living in households earning \$75,000 and up annually own smartphones.

These facts highlight the importance of energy conservation for mobile communication users.

The battery life for these devices is limited and without power they are of no use to the user.

This bill will help users remain connected as long as possible because the energy consumption on their cellphones and other digital devices will be minimized when they are not in use.

Energy conservation will also assist consumers during times when power outages may occur due to weather or other electricity disruption.

The longer power life for cellphones will benefit consumers by reducing the amount of electricity needed to recharge their personal devices.

This bill will also benefit businesses that often have many computers that when in use can consume electricity if left on after business hours—especially over weekends.

For these reasons, I ask my colleagues to join me in supporting H.R. 511.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 511.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FAIR RATEPAYER ACCOUNTABILITY, TRANSPARENCY, AND EFFICIENCY STANDARDS ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 587) to amend the Federal Power

Act to provide that any inaction by the Federal Energy Regulatory Commission that allows a rate change to go into effect shall be treated as an order by the Commission for purposes of rehearing and court review.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fair Ratepayer Accountability, Transparency, and Efficiency Standards Act” or the “Fair RATES Act”.

SEC. 2. AMENDMENT TO THE FEDERAL POWER ACT.

Subsection (d) of section 205 of the Federal Power Act (16 U.S.C. 824d(d)) is amended by adding at the end the following: “Any absence of action by the Commission that allows a change to take effect under this section, including the Commission allowing the sixty days’ notice herein provided to expire without Commission action, shall be treated as an order issued by the Commission accepting such change for purposes of section 313.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. KENNEDY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I complimented Mr. WELCH, I want to thank Mr. KENNEDY for his leadership on this bill. I would note that we passed this bill through regular order again in the last Congress, passed with bipartisan support. It is appropriate that we bring it up early this year. Again, this is another bipartisan bill. We must allow the public to have administrative process relief in those cases where FERC does not actually issue an order, and this legislation will do just that. I urge passage of the bill.

The Federal Power Act sets forth processes to set rates for electricity, including opportunities for the public to protest a rate change filed with FERC. New rates take effect if FERC approves them or if FERC fails to issue an order approving or denying the filed rate within 60 days.

The failure to approve or deny a rate may result from agency delay or, in some limited cases, from a vote that results in a deadlocked Commission, for example, a 2–2 vote. In such cases, the rates become effective by operation of law, even when these rates were not approved by a majority of Commissioners.

The Federal Power Act, of course, provides administrative redress for members of the public to protest Commission rate decisions. However, if these rates become effective by operation of law, for example, that 2–2 deadlock, the administrative processes are not available to the public because FERC did not actually issue an order for the public to protest. The public literally gets shut out.

I don’t want to speak for the gentleman from Massachusetts, but I think some of his constituents recently experienced this firsthand. As a result of that and of the hard work by Mr. KENNEDY and of his staff and certainly of the committee staff on both sides of the aisle, the legislation was drafted. We considered it in committee during the 114th Congress, where it passed on a voice vote. We have it on the floor today.

I urge all Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KENNEDY. I yield myself such time as I may consume.

Mr. Speaker, I want to thank you for allowing me to discuss the Fair RATES Act, H.R. 587, and for bringing it to the floor today for a vote. I also want to thank the subcommittee chairman, Mr. UPTON, his staff, and, of course, during his tenure as chairman of the full committee, his staff, along with the staff of Mr. PALLONE and the chairman and ranking member of the subcommittees.

We have worked on this legislation for now several years. It did pass unanimously, as Chairman UPTON indicated, on a bipartisan passage last year. I am grateful for his acknowledgment of that effort between our teams and that it is on the floor so early in this Congress.

Because many of my colleagues have heard me speak about this at length and patiently listened as I dove too far into the weeds about forward capacity auctions, I am hoping to keep this part short and am happy to answer any questions that anyone may have. As the chairman alluded to, New England holds an energy capacity auction to ensure that we have sufficient energy supply to meet consumer demand.

Mr. Speaker, 3 years ago, during an auction where there was a shortfall, those capacity payments tripled, skyrocketing from about \$1 billion to \$3 billion. That rate increase hasn’t even reached our constituents yet, but this June, a significant portion of their bills will triple due to that auction.

When the Federal Energy Regulatory Commission reviewed that rate increase, they were down to four Commissioners, and they deadlocked 2–2. One Democratic Commissioner and one Republican Commissioner raised concerns about whether those rates were just and reasonable for consumers. Because of the deadlock, those rates took effect by operation of law without any action from FERC. With no official decision from the agency, there was no

decision to appeal, leaving my constituents completely voiceless.

Mr. Speaker, in 2 weeks, our region will hold that same annual auction, once again determining rates that will be passed along to families and businesses in my district 3 years down the road. Once again, FERC is understaffed, without a full complement of Commissioners to consider the new rate filings.

Although the situation may sound complex and unique to New England, there is not a corner of this country that is immune from the unpredictability of American energy markets and the resulting burden our consumers and businesses are forced to bear as a result. That is why I urge my colleagues to pass this bill and enact a simple fix to a very complex problem.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), a new member of the committee but an old hand in Congress.

□ 1545

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 587, the Fair RATES Act.

This bill would amend the Federal Power Act so that those who are adversely affected by inaction of the Federal Energy Regulatory Commission on utility rate changes will have the right to a rehearing. Under current law, a court challenge to a FERC order may only be brought about petitioning the Commission for a rehearing.

But if the panel is deadlocked and no order is issued by FERC on a utility rate increase, affected parties cannot bring an action because there was no final order. Meanwhile, the utility rate increase moves forward without the ability of affected parties to be heard.

Under the Fair RATES Act, FERC's inaction on a utility's notice of a rate increase within 60 days will be treated as an order accepting the change. Affected parties will then be able to petition for a rehearing on the utility rate change.

This bill will ensure that consumers and other affected parties are able to have their concerns heard by Federal regulators. The Fair RATES Act will hold Federal regulators accountable to ensure utility rate increases are reasonable by increasing transparency in the process.

I urge my colleagues to support this bill.

Mr. KENNEDY. Mr. Speaker, I thank the gentleman for his comment.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I want to echo my support for this important piece of legislation.

This bill was passed last year on a bipartisan basis on a voice vote, in fact, but it was never taken up in the other

body. This is becoming kind of a theme today. But, as Mr. KENNEDY pointed out, if we can't move this through Congress in the next few weeks, families and small businesses may be left with electric bills that they cannot afford. So what we are really doing today is we are cleaning up some of the leftover important legislation from the last Congress that really needs to pass.

Mr. UPTON and I worked hard, along with Mr. KENNEDY and Mr. WELCH and many other Members, on the 21st Century Cures bill last Congress. It was one of the last bills we passed on a bipartisan basis. I am happy that the Energy and Commerce Committee is getting a running start today in passing some of our key bipartisan legislation from last Congress, and I am hoping that this will be a bellwether for the rest of this Congress that we will continue in the grand tradition of the Energy and Commerce Committee.

I urge my colleagues to support this important legislation. And I hope that the Senate will work quickly so that we can send this important bill to the President's desk and we can stop those unanticipated rate increases.

Mr. KENNEDY. Mr. Speaker, I yield myself such time as I may consume.

I will stand on the remarks I have already made, and I urge quick passage of the legislation.

I, again, want to extend my gratitude and thanks to Chairman UPTON and his team for all of their work, both last Congress and this one.

I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

I would just like to reference the kind remarks by my friend, the gentlewoman from Colorado. This is the start of the next Congress. We are certainly looking forward to governing in a bipartisan way. That is what our committee has done for hundreds of bills in the last number of years. I look forward to that continued partnership. I know Chairman WALDEN on the full committee looks forward to doing that as well.

This is just the first step, literally one of the first days, obviously, in the new Trump administration, but we look forward to working with the Senate to get this bill to the new administration and get it signed into law, showing, again, the bipartisan support.

I want to compliment my friend, my colleague from Massachusetts (Mr. KENNEDY), for his good work on this. I urge my colleagues to vote "yes."

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 587, the "Fair Ratepayer Accountability, Transparency, and Efficiency Standards Act" (Fair RATES Act), which amends the Federal Power Act to permit administrative and judicial review of any rate change filed by a public utility that takes effect without the approval of the Federal Energy Regulatory Commission (FERC).

The need for this change became evident in the wake of a New England Forward Capacity Market Auction in 2014, which occurred at a time when FERC only had 4 Commissioners.

When the New England Forward Capacity Market Auction issue was addressed by FERC, the Commissioners split evenly over the question of whether the auction results were just and reasonable.

Since FERC did not disapprove the auction results, wholesale electricity prices in New England increased dramatically; and

So, while rates went up, none of the affected parties could challenge the decision or resulting rate increase, and, therefore, no rehearing or judicial review was possible.

H.R. 587 provides those who want to challenge similar rulings or non-decisions by FERC the ability to challenge the decision administratively or in the courts.

The bill ensures that stakeholders have recourse when a non-decision by FERC has very real consequences for consumers, producers and others.

This bill would also improve the process by which FERC votes are reconsidered.

I ask my colleagues to join me in supporting H.R. 587.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 587.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADVANCED NUCLEAR TECHNOLOGY DEVELOPMENT ACT OF 2017

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 590) to foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advanced Nuclear Technology Development Act of 2017".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Nuclear energy generates approximately 20 percent of the total electricity and approximately 60 percent of the carbon-free electricity of the United States.

(2) Nuclear power plants operate consistently at a 90 percent capacity factor, and provide consumers and businesses with reliable and affordable electricity.

(3) Nuclear power plants generate billions of dollars in national economic activity through nationwide procurements and provide thousands of Americans with high paying jobs contributing substantially to the local economies in communities where they operate.

(4) The United States commercial nuclear industry must continue to lead the international civilian nuclear marketplace, because it is one of our most powerful national security tools, guaranteeing the safe, secure, and exclusively peaceful use of nuclear energy.